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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,910	07/23/2003	Peter Ralph Frederick Brown		7094

7590 02/23/2006

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EXAMINER

SOMMERFELD, PAUL J

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,910

Applicant(s)

BROWN, PETER RALPH
FREDERICK

Examiner

Paul J. Sommerfeld

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

In accordance with the Preliminary Amendment filed January 29, 2004, claim 6 is amended, duplicate claim 6 is cancelled, claim 7 is cancelled, and claim 10 is added. The double-spaced specification filed January 29, 2004 has been accepted. The substitute claims filed January 29, 2004 are the set of claims under examination in this Office Action.

Specification

1. The disclosure is objected to because of the following informalities:
On page 15, lines 9-14 contain only sentence fragments lacking any discernable meaning.
Appropriate correction is required.

Claim Objections

2. Claim 3, 5 and 6 are objected to because of the following informalities:
Claim 3 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. Applicant is advised that should claim 1 be found allowable, claim 3 will be

objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Appropriate correction is required.

Claim 5 contains the subheadings “development process comprising:” and “an end usage process comprising:”. Claims must be presented as a single sentence, and therefore, should not contain such subheadings. Furthermore, claim 5, being dependent on claim 3, should further narrow the method of binding organizational intelligence on a server computer presented in claim 3. However, claim 5 appears to be directed to three distinct methods: (1) a method for installing and configuring a software tool, (2) a development process, and (3) an end usage process. See MPEP § 608.01(m).

Appropriate correction is required.

Claim 6 is an improper dependent claim which appears to depend on both claims 5 and 2. A dependent claim can depend from multiple claims in the alternative format only (e.g. depend from claim 2 or 5).

Appropriate correction is required.

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claims 3-10 have been improperly numbered. A proper renumbering of claims follows: claim 3 should be renumbered to 5, 4 to 3, 5 to 6, 6 to 8, 8 to 10, 9 to 4, 10 to 9.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4-6 and 8-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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As to claim 4, the specification of the invention does not describe a remote device communicating with the RDBMS through a communications link which is not a physical link, but an electronic link such as radio, microwaves, or other EMR.

As to claim 5, the following elements of the claim are not described in the specification of the invention:

configure said tool with RDBMS type, connection type, network type, name of said database, name of said menu stored procedure, name of said registry table

an information request is received by an organisation that resolves to the creation of a new component of application system software

end user recognises newly deployed application system software component by its name on one of the said rows

end user double clicks said one row using tool

tool identifies the value contained in the first column of said one row

tool passes a request to the RDBMS to read said registry table using said value as key to the table and to determine the corresponding stored procedure name

DBMS locates item in registry and determines name of stored procedure

DBMS executes said stored procedure by name

As to claim 6, the specification does not describe the claimed method wherein a complex application system is required, and including the use of more than one level of

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stored procedures. Furthermore, the following elements of the claim are not described in the specification:

- identifying core functionalities required by a RDBMS application software system;
- creating RDBMS stored procedures as core objects which implement said core functionalities;

- a RDBMS portal software tool as described in claim 2 is used by the end user as an interface, including the steps of:

- tool presents menu to end user,
 - user selects core object component via menu,
 - tool passes request to RDBMS to execute a core object,
 - RDBMS submits core object for execution,
 - core object executes creating a data set as output,
 - core object passes output data to RDBMS,
 - the tool presents data user and provides analytical functionality.

As to claim 8, the following elements of the claim are not described in the specification:

- catid - a category code to be associated with the new stored procedure,
- enabled - a bit field is set to the value of 1 for deployment,
- mode - a varchar field value.

As to claim 9, the specification of the invention does not describe any of the elements of the claim. Specifically, the specification does not contains any description of the following:

toggling the sort order of a data set,
filtering a data set by clicking one cell,
adjusting the column width used by the tool,
previewing a print, printing data by selecting a print button,
exporting a data set to a format such as a WORD table, EXCEL spreadsheet, or XML.

In general, the claims should not include any material that was not clearly and specifically described in the specification of the invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 8-10 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a

manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

For examples of claims written in proper format, see U.S. Patent Number 6,845,392 B2, issued to Koontz et al.

Regarding claim 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 8, the phrase "similar" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "similar"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 9, the phrase "eg" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 9, the phrase "etc." renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "etc."), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 1 recites the limitations "said RDBMS data file" (p.28, line 8) and "said at least one data file" (p. 28 line 10, p. 28 line 11). There is insufficient antecedent basis for these limitations in the claim.

Claim 5 recites the limitation "the value" (p. 31 line 22) and "said registry table" (p. 30 lines 6 and 15). There is insufficient antecedent basis for these limitations in the claim.

Claim 6 recites the limitations "said core functionalities" (p. 32 lines 19-22, p. 33 lines 14-15). There is insufficient antecedent basis for these limitations in the claim.

Claim 9 recites the limitation "the entire dataset" (p.34 line 10), "the data set" (p.34 line 11), "the filter control" (p.34 lines 16-17), and "the print button" (p.35 line 9). There is insufficient antecedent basis for these limitations in the claim.

Claim 9 contains the trademarks/trade names WORD and EXCEL. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or

trade name does not identify or describe the goods associated with the trademark or trade name.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 5, 6, 8, and 10 are rejected under 35 U.S.C. 101 because they include non-statutory subject matter.

Claim 5 recites a “development process” and “an end usage process”, which present an “abstract idea” which does not necessarily require a technology. A claim must not be directed merely to an abstract idea, but must instead be tied to a piece of hardware, environment, or machine, which would result in a practical application producing a concrete, useful and tangible result.

Claim 6 recites a method by which a user uses a portal software tool, which presents an “abstract idea” which does not necessarily require a technology. A claim must not be directed merely to an abstract idea, but must instead be tied to a piece of hardware, environment, or machine, which would result in a practical application producing a concrete, useful and tangible result.

Claim 8 recites “the schema of registry table is consistent of information similar to the following: taskid - a specific integer, levelid - the value 0, procid - the name by which the RDBMS knows the stored procedure, description - a textual name by which the end user knows the application, catid - a category code to be associated with the new stored procedure, enabled - a bit field is set to the value of 1 for deployment, mode - a varchar field value” which appears to be non-functional descriptive material stored on a computer readable medium. A claim must not be directed merely as “non-functional descriptive material stored on a computer readable medium”, but must instead be either “a series of steps to be performed on a computer”, or, “a machine or manufacturer for performing a process.”

Claims 6 and 10 are rejected under 35 U.S.C. 101 because they are dependent from the rejected independent claim 5.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-6, 8, and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Koontz et al (US Patent Number 6,845,392 B1).

As to claims 1 and 3, Koontz et al teaches a system of binding organizational intelligence on a server computer (see Abstract), said system comprising:

- at least one server computer (item 307 in Fig. 3)
- having at least one relational database management system (RDBMS) software (item 311 in Fig. 3, col. 2 line 18)
- binding at least one said RDBMS data file to said server (item 311 in Fig. 3, col. 2 line 18)
- and at least one database application system software suite associated with said at least one data file and said server, also bound within said at least one data file on said at least one server (item 309 in Fig. 3, col. 6 lines 50-54).

As to claim 2, Koontz et al teaches a software tool comprising (see Abstract):

- at least one computer connected to RDBMS software
- having a RDBMS portal software tool (item 301 in Fig. 3)
- said tool an interface between said at least one system as described in claim 1
- and at least one end user of said organization.

by which said end user sends instructions to the RDBMS software (col. 3 lines 27-28)

to execute at least one component of said at least one suite of database application

system software on said server computer (col. 3 lines 32-33),
and whereby output data arising as a result of said execution
is returned to said interface software by the RDBMS software
and provided to said end user (col. 3 lines 27-29).

As to claim 4, Koontz et al teaches the tool is installed to at least one remote device, communicating with the RDBMS through a communications link which is not a physical link, but an electronic link such as radio, microwaves or other EMR (col. 3 lines 24-26).

As to claim 5, Koontz et al teaches application system software development using stored procedures is comprised of the following steps:

install the software tool on the computer allocated for use to an end user in an organisation, said computer being connected via a network and said user's network access account to a relational database management system (RDBMS) (col. 5 lines 61-64)

create one data table within a database within the RDBMS (col. 2 lines 8-9)

create one stored procedure within said database within said RDBMS to function as a menu procedure (col. 6 lines 50-54)

configure said tool with RDBMS type, connection type, network type, name of said database, name of said menu stored procedure, name of said registry table (col. 5 lines 61-64, where configuring the tool is an inherent step of installing the tool)

development process comprising:

an information request is received by an organisation that resolves to the creation of a new component of application system software

one stored procedure is created within the RDBMS

one row of data is added to said registry table (col. 6 lines 50-54)

an end usage process comprising:

end user starts using tool

tool reads configuration settings supplied, and end user's user account information from operating system of said user's computer

tool establishes connection to RDBMS under end user account

tool passes a request to RDBMS to for the RDBMS to execute the menu procedure of said name in said database using said security account.

DBMS executes said menu procedure using userid

menu procedure reads all rows from registry table and selects rows for inclusion in output data set

menu procedure returns output data set to RDBMS

DBMS passes data set via the connection back to the tool

tool displays said data, in rows and columns to said end user

end user recognises newly deployed application system software component by its name on one of the said rows

end user double clicks said one row using tool

tool identifies the value contained in the first column of said one row

tool passes a request to the RDBMS to read said registry table using said value as key to the table and to determine the corresponding stored procedure name

DBMS locates item in registry and determines name of stored procedure

DBMS executes said stored procedure by name

Stored procedure executes and returns data set to RDBMS

DBMS passes data set back to the tool

tool displays said data, in rows and columns to said end user (col. 3 lines 24-34)

As to claim 6, Koontz et al teaches the use of more than one level of stored procedures, including the steps of:

identifying core functionalities required by a RDBMS application software system (col. 2 lines 26-27);

creating RDBMS stored procedures as core objects which implement said core functionalities (col. 6 lines 50-54);

creating an RDBMS data table to register and manage said stored procedures;

creating an RDBMS stored procedure to serve as an end user menu procedure (col. 5 lines 63-65);

a RDBMS portal software tool as described in claim 2 is used by the end user as an interface (col. 5 lines 63-65), including the steps of:

tool presents menu to end user

user selects core object component via menu

tool passes request to RDBMS to execute a core object,

RDBMS submits core object for execution

core object executes creating a data set as output

core object passes output data to RDBMS

RDBMS passes said data to tool

the tool presents data to user and provides analytical functionality (col. 3 lines 24-34);

whereby separating all said core application functionality and the end user interface into said stored procedures and said tool, respectively, enables said core functionality to exist exclusively within the RDBMS environment (col. 7 lines 1-5).

As to claim 8, Koontz et al teaches the schema of registry table is consistent of information similar to the following:

taskid - a specific integer,

levelid - the value 0,

procid - the name by which the RDBMS knows the stored procedure,

description - a textual name by which the end user knows the application

catid - a category code to be associated with the new stored procedure,

enabled - a bit field is set to the value of 1 for deployment,
mode - a varchar field value (col. 2 lines 8-9, schema is an inherent feature of relational database tables)

As to claim 10, Koontz et al teaches an RDBMS portal software tool to connect to at least one RDBMS, said tool an interface between the RDBMS and at least one end user of an organization, by which said end user sends instructions to the RDBMS software to execute at least one component of said at least one suite of database application system software on said server computer, and whereby output data arising as a result of said execution is returned to said interface software by the RDBMS software and provided to said end user (Koontz et al col. 6 lines 24-33, Figure 3).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mandel (Mandel, Theo, The GUI-OOUI War, Windows vs. OS/2: the designer's guide to human-computer interfaces, 1994, Van Norstrand Reinhold, pp. 17, 248, and 251).

As to claim 9, Koontz et al does not explicitly teach the tool permits the end user to manipulate and analyse said data set by a series of conventional functionality comprising:

end user can toggle the sort order of the entire dataset according the values located on one column of the data set between ascending and descending sort order by clicking the tool in the heading corresponding to said column, multiple sort orders can be imposed by the user on the data by successively repeating this process on different columns

end user can filter the data set by clicking one cell and then clicking the filter control whereby the tool displays only those rows of said data where the value of the column in said rows match the value contained in the column of said cell

end user can adjust the column width used by the tool in presentation of the data set or reduce it to zero by the tool by dragging the header row column boundaries together or apart

end user with or without any manipulation can preview a print before printing said data set to a printer by selecting the print button

end user can at any time export said data set to nominated formats (eg: word table, excel spreadsheet XML, etc) by selecting the appropriate export function.

Mandel teaches the tool permits the end user to manipulate and analyse said data set by a series of conventional functionality comprising:

end user can toggle the sort order of the entire dataset according the values located on one column of the data set between ascending and descending sort order by clicking the tool in the heading corresponding to said column, multiple sort orders can be imposed by the user on the data by successively repeating this process on different columns

end user can filter the data set by clicking one cell and then clicking the filter control whereby the tool displays only those rows of said data where the value of the column in said rows match the value contained in the column of said cell

end user can adjust the column width used by the tool in presentation of the data set or reduce it to zero by the tool by dragging the header row column boundaries together or apart

end user with or without any manipulation can preview a print before printing said data set to a printer by selecting the print button

end user can at any time export said data set to nominated formats (eg: word table, excel spreadsheet XML, etc) by selecting the appropriate export function (p. 248 Figure 8-13, p. 251 Figure 8-15).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the teachings of Koontz et al by Mandel, because a software tool having an interface which displays rows data by columns allows users to interact with the information and the computer (Mandel p. 17).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Pat. No. 5,884,312, issued to Dustan et al, for teaching, in a database system, stored procedures that provide an interface for selecting and executing stored procedures.
- "Client/Server and the N-Tier Model of Distributed Computing", www.n-tier.com/articles/csovervw.html, 1999, for teaching a two-tier client/server architecture in which business logic resides on a database server in the form of stored procedures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Sommerfeld whose telephone number is 571 272-6545. The examiner can normally be reached on M-F 7:45 am - 4:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS



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